

**RYE TOWNSHIP
SUPERVISORS' MEETING
September 26, 2011**

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PRESENT: Chairman Robert Lightner, Vice-Chair Ron Evans, Supervisor Ken Quigley, Daisy Lightner, Secretary/ Treasurer, Ron Cree, Zoning Officer, Paul Rudy, Jean Snyder, Barbara and Pete Fitting, Linda Ekelman, Elwood Brubeck, Sean Fedder, Gary Roth, and P. Richard Wagner, Esquire.

FORMER SUPERVISOR PRESENT: Phyllis Page

The meeting was held at the municipal building and called to order at 7:30 PM. Chairman Lightner convened the meeting with the pledge of allegiance to the flag. The meeting was tape recorded to aid with the preparation of minutes. Linda Ekelman announced that she would be video and audio recording the meeting.

CITIZEN PARTICIPATION: Paul Rudy, a republican candidate for County Commissioner, stopped by to introduce himself as a long term resident of Carroll Township and to encourage all in attendance to come out and vote on Tuesday, November 8, 2011. Mr. Rudy thanked the Board and left the meeting at this time.

APPROVAL OF THE MINUTES: Supervisor Evans made a motion and Supervisor Quigley seconded to approve the minutes of August 22, 2011 supervisors' meeting as submitted. Motion carried unanimously.

Supervisor Evans made a motion and Supervisor Quigley seconded to approve the minutes of the special meeting of September 15, 2011 as submitted. Motion carried unanimously.

MONTHLY MUNICIPAL REPORTS: The August Zoning Report was submitted by Zoning Officer, Ron Cree and available for review. Cree read the report as follows: sixteen (16) calls and/or complaints, two (2) zoning permits, two (2) driveway permits, 1 certificates of use, (1) on-site inspection for Michael's Salvage Yard; and mileage of 66 miles with a total of \$205.00 in fees collected.

The Sewage Enforcement Report was submitted by Mike Higgins, SEO and read by Chairman Lightner. Eight activities were reported: final inspections for Andrew Maloney, Bret Adams, and Jeff Black; site inspection and probes for Shane Phillips; planning development for Dittmar/Corl. Total due in wages of \$685.00.

A September Road Report was submitted by Road Foreman, Brad Sloop. Supervisor Quigley read the report and noted that many actions completed are centered around drainage and stormwater issues with all of the storms and rain. Quigley noted that an emergency GP-11 permit was received from DEP and the culvert pipe was installed successfully on Pine Hill Road.

No Recreation Board report was offered.

No Emergency Management Report was offered. Assistant EMC Pete Fitting offered that he met with two electricians to gain proposals for costs to install a generator at the Township and the Glenvale Church of God, which is the Township's main disaster evacuation center.

The August Treasurer's Report & General & Solid Waste Fund Balance Reports were submitted for review by the Secretary/Treasurer & with no discussion were accepted as read pending the independent auditors' review.

LEGAL BUSINESS: Solicitor Wagner reported that a certified letter was mailed from his office to the Smiths requesting payment for costs incurred in the amount of \$1,500.00 to repair the pavement and shoulder of Lambs Gap Road no later than October 1, 2011. The Smith's heavy equipment damaged the roadway and shoulder from repeatedly turning wide into their private driveway. Solicitor Wagner advised that if payment is not received by Thursday, the Secretary/Treasurer needs to go to the District Justice to institute a civil action to recover the damages.

Solicitor Wagner also received a September 21, 2011 transmittal letter from Burget and Associates requesting review of an agreement for maintenance of on-lot improvements for the Dittmar/Corl Residual Lands Subdivision Land Development Plan located off Pine Hill Road to assure that the developer is completely responsible for all improvements; and Rye Township purportedly has no responsibility. Upon review, Solicitor Wagner provided the following comments and additions to the agreement:

1. Add number 4 to read: *This agreement is binding upon the heirs, assigns, grantees, successors of all lots within the development.*
2. Add number 5 to read: *This agreement shall be set up in such a fashion that the agreement shall be recorded in the Perry County Court House so that anyone purchasing a lot in this development realizes they have the responsibility for maintaining the improvements on the lots.*
3. Add number 6 to read: *This agreement shall be signed by both Rye and Carroll Townships, since there are also lots in Carroll Township.*
4. Add number 7 to read: *This agreement expressly provides that it has no applicability to the roads, streets within the subdivision.*
5. Add number 8 to read: *The Township will have absolutely no responsibility for maintaining or repairing the improvements on the lots. The lots are the responsibility of each owner.*
6. Add number 9 to read: *Each owner, Mr. Dittmar and Mr. Corl, hereby indemnify and save harmless the Township on account of any claims that may be made against the Township by any persons as a result of the on-lot improvements within the development.*

ORDINANCE: Solicitor Wagner noted that two proofs of publication are on file: one (1) for the Public Hearing held tonight at 7:00 PM to receive public comment for the proposed amendment to the Zoning Ordinance 11-01, Article 2102 A. Utility Pipeline Buffers; and one (1) for the Notice of Intent to adopt the proposed amendment to the Zoning Ordinance 11-01, Article 2102 A. Utility Pipeline Buffers.

With no comments received at the public hearing and upon due consideration, Supervisor Quigley made a motion and Supervisor Evans seconded to adopt Ordinance 11-05, which amends Zoning Ordinance 11-01 by revising Article 21-Trail and Utility Pipeline Overlay Regulations, Section 2102-Utility Pipeline Overlay District, Paragraph A. Buffer to read:

A. Buffer – *Structures shall be prohibited within five (500') hundred feet of the center line of the nearest pipeline.*

Motion carried unanimously.

RESOLUTION: Supervisor Evans made a motion and Supervisor Quigley seconded the motion to adopt Resolution 11-16, which authorizes the Secretary/Treasurer to transfer from the First National Bank of Marysville General Fund monies in the amount of \$60,000.00 to a Certificate of Deposit at the Bank of Landisburg, Shermans Dale branch, designating the monies for Road Paving Projects in the Capital Reserve Fund for use in the 2012 budget year. Motion carried unanimously.

OLD BUSINESS: Chairman Lightner announced that the Board designated Trick or Treat Night for Monday, October 31, 2011 from 6-8:00 PM.

NEW BUSINESS: With a satisfactory on-site inspection conducted, Supervisor Quigley made a motion and Supervisor Evans seconded to approve an annual salvage yard license for Ryan Michael's Salvage Yard of 160 Cove Hill Road from October 1, 2011 to September 30, 2012. Motion carried unanimously.

With much regret, Chairman Lightner made a motion with a second from Supervisor Quigley to accept the resignation of William,(Bill) Holley from the Recreation Board effective the end of this year- December 31, 2011. Motion carried unanimously.

Chairman Lightner announced that volunteers are needed to fill this position and other vacancies on the Recreation Board.

Supervisor Quigley made a motion and Supervisor Evans seconded to approve the placement of a half page ad in the VFW booklet in the amount of \$40.00. Motion carried unanimously.

Plasterer Equipment, Inc. provided a quote for a new 4 wheel drive backhoe under consideration for purchase in the budget year 2012. Upon due consideration, Supervisor Quigley made a motion with a second from Chairman Lightner to approve the purchase of a 2011 backhoe from Plasterer Equipment through the State Costars Contract conditional upon receipt of the equipment later this year 2011 with payment deferred until March of 2012 without any fees or interest charged to the Township. Motion carried unanimously. Chairman Lightner indicated he would contact the sales representative and discuss the terms of sale.

Chairman Lightner announced the following events:

- ◆ September 30, (6-2:00 PM) and October 1, 2011, (8 AM – 12 noon) – Fall Bulk Clean Up
- ◆ October 6, 2011 – 7:00 PM Budget meeting
- ◆ Office Closed for Columbus Day- October 10

APPROVAL AND PAYMENT OF THE BILLS: The Secretary/Treasurer provided a September expense check register and submitted the following checks for approval and payment: General Fund Checks #s 13227-13248 in the amount of \$80,530.60. No checks void.

Payroll checks #s 6078-6087 in the amount of \$4,186.04. No payroll checks void.

Supervisor Evans made a motion and Supervisor Quigley seconded to approve the checks and pay the bills. Motion carried unanimously.

CITIZEN PARTICIPATION: Chairman Lightner asked if there was any citizen participation at this time. Former Supervisor, Phyllis Page of Mountain Road asked the status of the police arbitration. Chairman Lightner offered that the matter is in the hands of the attorneys. The Secretary/Treasurer offered that she understood an executive meeting with the arbitrator and attorneys was tentatively scheduled for October 4, 2011.

ADJOURNMENT OF THE MEETING: There being no further business before the Board, Supervisor Quigley made a motion and Supervisor Evans seconded to adjourn the meeting at 8:01 pm. Motion carried unanimously.

Respectfully submitted,

Daisy Lightner
Secretary/Treasurer